

Senate Bill 438

By: Senator Williams of the 19th

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To repeal the amendment to the Constitution of Georgia providing that the county officers
2 of Telfair County shall be ineligible to hold office under certain conditions; to provide for
3 legislative intent; to provide for a referendum with respect to the effectiveness of the
4 foregoing; to provide for contingent effective dates; to repeal conflicting laws; and for other
5 purposes.

6 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

7 **SECTION 1.**

8 The amendment to the Constitution of Georgia providing that the county officers of Telfair
9 County shall be ineligible to hold office under certain circumstances, which amendment was
10 proposed by 1963 House Resolution No. 102-230, Resolution Act No. 76 (Ga. L. 1963,
11 p. 705) and was continued in force and effect by an Act approved March 25, 1986
12 (Ga. L. 1986, p. 4527), is hereby repealed.

13 **SECTION 2.**

14 The election superintendent of Telfair County shall call and conduct an election as provided
15 in this section for the purpose of submitting this Act to the electors of Telfair County for
16 approval or rejection. The election superintendent shall conduct such election on the date
17 of the 2016 General Election and shall issue the call and conduct such election as provided
18 by general law. The superintendent shall cause the date and purpose of the election to be
19 published once a week for two weeks immediately preceding the date thereof in the official
20 organ of Telfair County. The ballot shall have written or printed thereon the words:

21 "() YES Shall the Act be approved which repeals the amendment to the Constitution
22 () NO of Georgia that provided for term limits for the county officers of Telfair
23 County?"

24 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring
25 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on

26 such question are for approval of the Act, Section 1 of this Act shall become of full force and
27 effect immediately. If this Act is not so approved or if the election is not conducted as
28 provided in this section, Section 1 of this Act shall not become effective, and this Act shall
29 be automatically repealed immediately. The expense of such election shall be borne by
30 Telfair County. It shall be the election superintendent's duty to certify the result thereof to
31 the Secretary of State.

32 **SECTION 3.**

33 In repealing this local constitutional amendment, it is the intent of the General Assembly to
34 remove the term limits for the county officers of Telfair County who are the sheriff, the clerk
35 of superior court, the judge of the probate court, and the tax commissioner. It is not the
36 intent of the General Assembly to affect the term limitations for the members of the Board
37 of Commissioners of Telfair County who shall remain subject to the term limit provisions
38 of Section 20 of an Act approved June 3, 2003 (Ga. L. 2003, p. 3992), as amended.
39 Consequently, it is the intent of the General Assembly to leave intact the consent order in the
40 case of *Clark v. Telfair County, Georgia, Commission*, Civil Action No. CV 387-25, United
41 States District Court for the Southern District of Georgia, Dublin Division, filed October 26,
42 1988.

43 **SECTION 4.**

44 All laws and parts of laws in conflict with this Act are repealed.